

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF
ELECTRICAL CONTRACTORS

IN THE MATTER OF THE
LICENSE OF

TOM IAIONE
License #9256

TO PRACTICE ELECTRICAL
CONTRACTING IN THE STATE
OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Electrical Contractors ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed electrical contractor in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. The Board received a complaint dated January 7, 2003 with regard to electrical work performed in Fanwood, New Jersey in November of 2002. The complainant alleged that the bill for the work, which was \$636, was excessive. The complainant stated that he had been charged for the time of two electricians, one of whom did little or no work.
3. In a letter dated January 10, 2003, the Board offered respondent the opportunity to partially reimburse the complainant, inasmuch as the complainant had

reported that respondent had promised to send partial reimbursement, but had not followed through on the promise. The letter further asked respondent to forward to the Board an explanation with regard to the allegations of the complaint within seven days.

4. The Board's letter was sent by certified and regular mail. Certified mail was signed for; regular mail was not returned. No response to the letter was forthcoming.

5. In a letter dated February 10, 2003, the Board wrote to respondent again, reminding him of his duty to cooperate with Board investigations, and advising him to respond to the Board within ten days. The letter was sent by certified and regular mail. Certified mail was unclaimed. Regular mail was not returned. No response was received.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's communications seeking information about a consumer complaint constituted a failure to cooperate with an investigation of the Board pursuant to N.J.A.C. 13:45C-1.2, thus subjecting him to sanctions pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline issued, suspending respondent's license and business permit until he furnished the Board with a good faith explanation with regard to the Fanwood consumer's complaint, and imposing a civil penalty in the amount of \$1500. The Provisional Order was entered on April 2, 2003, and a copy was served upon respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or

dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In reply to the Provisional Order, respondent sent in a written breakdown of the charges for the work performed for the Fanwood consumer. Respondent further stated that he had telephoned to the Board's office requesting an extension, which had been granted, and therefore the penalty ought to be rescinded. Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board noted that respondent had indeed telephoned the Board office and requested an extension on January 16, 2003, and had indicated that he would respond to the Board's communication as soon as possible. (See copy of post-it note on file copy of Board's January 10, letter to respondent, attached.) On February 10, 2003, the Board's second request for information was mailed to respondent. The Provisional Order of Discipline was issued on April 2, 2003, and as of that date respondent still had not replied to the Board's request for information. Consequently the Board was not persuaded that the submitted material merited further consideration, inasmuch as respondent's objection did not raise a genuine issue of material fact, as to his failure to provide a timely substantive response to the Board's request for information.

ACCORDINGLY, IT IS on this *4th* day of *June*, 2003,

ORDERED that:

1. Respondent is hereby assessed a civil penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$1500.

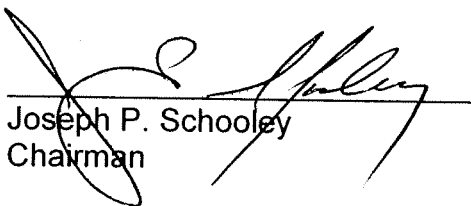
If, within 30 days following the issuance of this Order, respondent provides the Board with a certified check or money order in the amount of \$100 payable to consumer Dan Prelusky, his civil penalty is hereby reduced to \$1200.

The civil penalty shall be payable in the form of a certified check or money order made payable to the State of New Jersey, and forwarded (along with restitution, if respondent elects to provide it) to the attention of Barbara A. Cook, Executive Director, Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, Sixth Floor, Newark, NJ 07101.

2. Inasmuch as respondent replied to the Board following receipt of the Provisional Order, and responded to the Board's request for information, no suspension is imposed.

3. The within Order shall be subject to finalization by the Board at 5:00 p.m.

STATE BOARD OF EXAMINERS
OF ELECTRICAL CONTRACTORS



Joseph P. Schooley
Chairman



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

January 10, 2003

DAVID SAMSON
Attorney General
RENI ERDOS
Director

Mailing Address:

P.O. Box 45006
Newark, NJ 07101
(973) 504-6410

Mr. Tom Iaione
License #9256
t/a Iaione Electric, Inc.
217D Valley Scent
Scotch Plains, NJ 07076-1147

Dear Mr. Iaione:

The Board of Examiners of Electrical Contractors is in receipt of a letter of complaint from Dan Prelusky citing excessive charges concerning work which you were contracted to perform at 130 Vinton Circle, Fanwood, New Jersey.

Mr. Prelusky states that on November 4, 2002, you were contacted due to a problem with lights not working in his home. Mr. Prelusky alleges that the first electrician arrived at 8:00 A.M. and the second electrician, who had been sitting in the company van, arrived at 9:45 A.M. The work was completed at 11:15 A.M. and Mrs. Prelusky was presented with a bill in the amount of \$636.00.

Mr. Prelusky also states that he contacted you advising that he thought the bill was excessive. Mr. Prelusky further states that you advised him that he was charged \$75.00 an hour for each electrician for four hours. Mr. Prelusky states that he advised you that the second electrician sat in the truck for almost the first two hours. Mr. Prelusky also states that you advised him that you would speak to your electricians. Mr. Prelusky further states that he spoke to you on November 8, 2002, and you advised him that you would reimburse him for the time charged for the second electrician. However, to date, Mr. Prelusky states that he has not received any monies.

Along with your response to this complaint, the Board would like to offer you the opportunity to reimburse Mr. Prelusky the monies for the time you charged for the second electrician. You may forward to the Board office a check made payable to Dan Prelusky along with your response.

Iaione
will respond
ASAP
1-16-03